

ORDINANCE 09-07

AN ORDINANCE TO AMEND TITLE 1, CHAPTER 1, SECTION 1-104 OF THE MUNICIPAL CODE OF THE TOWN OF NOLENSVILLE, TENNESSEE, TO AMEND PROCEDURES FOR PUBLIC INSPECTION OF, ACCESS TO AND DUPLICATION OF PUBLIC RECORDS UNDER THE TENNESSEE PUBLIC RECORDS ACT (T.C.A. 10-7-504, ET SEQ.) FOR THE TOWN OF NOLENSVILLE

WHEREAS, the Tennessee Code Annotated requires the Town to have procedures for public inspection of, access to and duplication of public records, and;

WHEREAS, the Board of Mayor and Alderman for the Town of Nolensville wish to exercise its authority to impose fees to cover the cost of reproducing public records for the Town of Nolensville.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Nolensville, Tennessee that,

Section 1. Title 1, Chapter 1, Section 1-104 shall be deleted in its entirety and replaced with the following:

1-104. Public records. (1) Procedures regarding access to an inspection of public records:

- A. Consistent with the Public Records Act of the State of Tennessee, personnel of the Town of Nolensville shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.
- B. Employees of the Town of Nolensville shall protect the integrity and the organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the town, or, in the event that town personnel are unable to copy the records, by an entity or person designated by the records custodian.
- C. To prevent excessive disruptions of the work, essential functions and duties of employees of the Town of Nolensville persons requesting inspection and/or copying of public records shall complete a records request form to be furnished by the town. If the requesting party refuses to complete a request form, a town employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with the specificity so that the records may be located and made available for public inspection or duplication, as provided in B above. All requests for public records shall be directed to the records custodian.

- D. When records are requested for inspection or copying, the records custodian has seven days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required.

Within seven days of a request for records the records custodian shall:

- 1.) Produce the records requested.
- 2.) Deny the records in writing, giving explanation for denial; or,
- 3.) In the case of voluminous requests, provide the requestor, in writing, with an estimated time frame for production and an estimation of duplication costs.

(2) Fees for inspection and copying of public records. There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

- a. \$0.15 per copied page for black and white copies.
- b. \$0.50 per copy for colored copies.
- c. \$0.15 per copy for accident reports.
- d. Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the town.

- (i) Requests requiring less than one hour of municipal employee labor for research, retrieval and duplication are free to the requester. Labor in excess of one hour may be charged by the town, in addition to the cost per copy, as provided in (2). The town may require payment in advance of producing voluminous records. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour. For a request requiring more than one employee to complete, labor charges will be assessed based on the following formula:

In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

- (ii) The Police Chief shall maintain in his or her office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the Police Chief of such request. The Police Chief shall make the final determination as to the release of the information requested. In the

event that the Police Chief refuses to release the information, he shall provide a written explanation of the reasons for not releasing the information.

(iii) If the public records requested are frail due to age or other conditions and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection.

Section 2. This ordinance shall become effective after its passage and adoption, the public welfare requiring it.

Beth Lothers, Mayor

Attest: _____
Cindy Lancaster, Town Recorder

Approved by: _____
Robert J. Notestine, III, Town Attorney

Passed 1st Reading: __May 7, 2009__

Passed 2nd Reading: _____